

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated November 21, 2006. This Non-Final Office Action rejected all pending claims under 35 U.S.C. §102 as being anticipated by U.S. Patent 6,000,000 issued to Hawkins ("Hawkins"). In light of the following, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

Independent Claim 1 recites:

determining whether the application needs to be updated;  
causing the server to provide to the handheld device an application  
update if the application needs to be updated

The Office Action asserts that the foregoing limitations of independent Claim 1 are found in Figure 4; Figure 6; column 3, lines 3-9; column 4, lines 26-45; column 7, line 25-column 8, line 14 of Hawkins. Applicants have reviewed these cited sections of Hawkins and can find no teaching or fair suggestion of the limitations set forth above as more fully described below.

Hawkins relates to an extendible method and apparatus for synchronizing multiple files on two different computer systems. Figure 4 of Hawkins shows a handheld device 110 which includes applications A-C. The Office Action on page 2 asserts that Hawkins' handheld device includes a computer file system. Applicants note that one of ordinary skill in the art will distinguish between a file system and a file system manager which operates on the file system. Notwithstanding, Applicants will presume for the purposes of this Office Action only that Hawkins' handheld device 110 includes a file system manager for operating on data within a file system.

Ultimately, Hawkins' handheld device 110 includes applications A-C and a file system manager. Notwithstanding, the cited sections of Hawkins do not teach or fairly suggest determining whether applications A-C or the file system manager needs to be updated let alone causing the server to provide an update to the file system manager or

applications A-C if needed. Rather, the cited sections of Hawkins relate to a method for synchronizing databases on the handheld device with databases on a computer system. While Hawkins may describe updating a database, Hawkins makes a clear distinction between databases and applications such as applications A-C and the presumed file system manager executing on the handheld device 110. Specifically, column 4, lines 34-44 recite:

The personal computer 150 of FIG. 4 has PC Application A 481, PC Application B 482, and PC Application C 483 that correspond to the applications on the handheld computer system 110. Each PC application (481, 482, and 483) also has its own associated database 441, 442, and 443 respectively. The object of the present invention is to be able to synchronize handheld computer system 110 and personal computer 150 such that databases for handheld applications A, B, C (471, 472, and 473) are reconciled with the databases (441, 442, and 443) for PC Application A, B, C (481, 482, and 483).

The foregoing makes a clear distinction between applications on the one hand and databases associated with the applications on the other hand. Because the cited sections of Hawkins fails to teach or fairly suggest all the limitations of independent Claim 1, Applicants submit that independent Claim 1 is patentably distinguishable over the cited sections of Hawkins.

Independent Claim 11 recites limitations similar to those limitations of independent Claim 1 discussed above. Specifically, independent Claim 11 recites:

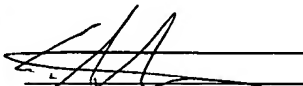
means for determining whether the application needs to be updated;  
means for causing the server to provide to the handheld device an application update if the application needs to be updated

Applicants assert that independent Claim 11 is patentably distinguishable over the cited sections of Hawkins for the same reasons that independent Claim 1 is patentably distinguishable over the cited sections of Hawkins.

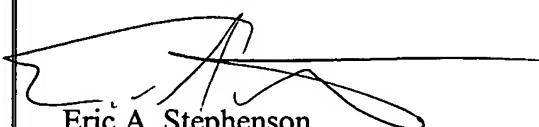
The remaining claims depend directly or indirectly from independent Claims 1 and 11. Insofar as these claims have been shown to be patentably distinguishable, it follows that the remaining claims are likewise patentably distinguishable.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop <u>Amendment</u> , Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on <u>February 20, 2007</u> .	
 _____ Attorney for Applicant	<u>2/20/07</u> _____ Date of Signature

Respectfully submitted,

  
Eric A. Stephenson  
Attorney for Applicant  
Reg. No. 38,321  
Telephone: (512) 439-5093  
Facsimile: (512) 439-5099